## United States Department of Labor Employees' Compensation Appeals Board

D.C., Appellant	- )
D.C., Appenant	)
and	) Docket Nos. 21-1411 & 19-1340
DEPARTMENT OF VETERANS AFFAIRS, COATESVILLE VA MEDICAL CENTER, Coatesville, PA, Employer	) Issued: April 29, 2022 ) )
Appearances: Appellant, pro se Office of Solicitor, for the Director	Case Submitted on the Record

## ORDER DISMISSING APPEAL IN DOCKET NO. 21-1411 AND DISMISSING PETITION FOR RECONSIDERATION IN DOCKET NO. 19-1340

## Before:

ALEC J. KOROMILAS, Chief Judge PATRICIA H. FITZGERALD, Deputy Chief Judge JANICE B. ASKIN, Judge

On September 20, 2021 appellant sought an appeal from a purported September 11, 2021 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-1411.

The Board, having duly considered the matter, notes that the Board has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.<sup>1</sup> This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed his appeal.<sup>2</sup> The case record as transmitted to the Board does not contain a September 11, 2021 decision of OWCP, nor does it contain any other final adverse decision of OWCP issued within 180 days from the date of docketing of the current appeal.<sup>3</sup> As there is no

<sup>&</sup>lt;sup>1</sup> 5 U.S.C. § 8101 et seq.; 20 C.F.R. §§ 501.2(c) and 501.3(a).

<sup>&</sup>lt;sup>2</sup> 20 C.F.R. § 501.3(e) provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of the OWCP."

<sup>&</sup>lt;sup>3</sup> *Id*.

final adverse decision issued by OWCP over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 21-1411 must be dismissed.<sup>4</sup>

To the extent that appellant's September 20, 2021 appeal may be construed as a petition for reconsideration of the Board's February 13, 2020 decision in Docket No. 19-1340, the Board notes that its decision became final upon the expiration of 30 days from the date of issuance.<sup>5</sup> Further, as appellant did not file his disagreement with the Board's February 13, 2020 decision until September 20, 2021, this submission may not be deemed as a timely petition for reconsideration as it was filed in excess of 30 days from the date of issuance.<sup>6</sup> Thus, the petition for reconsideration of the February 13, 2020 Board decision must be dismissed as untimely filed. Accordingly,

IT IS HEREBY ORDERED THAT the appeal docketed as No. 21-1411 is dismissed.

**IT IS FURTHER ORDERED THAT** the petition for reconsideration in Docket No. 19-1340 is dismissed as untimely filed.

Issued: April 29, 2022 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

> Patricia H. Fitzgerald, Deputy Chief Judge Employees' Compensation Appeals Board

Janice B. Askin, Judge Employees' Compensation Appeals Board

<sup>&</sup>lt;sup>4</sup> The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." 20 C.F.R. § 501.6(d).

<sup>&</sup>lt;sup>5</sup> 20 C.F.R. § 501.6(d).

<sup>&</sup>lt;sup>6</sup> See id. at § 501.7(a).